

Approved _____

Date

4/8/87

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m. ~~p.m.~~ on April 2, 19 87 in room 254-E of the Capitol.

All members were present, ~~except~~

Committee staff present:

Mary Galligan, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Colonel Allen Rush, Legislative Liaison from Governor Hayden's Office
Mr. Joseph A. Ruskowitz, Director, Wyandotte County Corrections Department
Mr. Gary Reynolds, Leavenworth, Kansas
Mr. Leonard F. Garrett, Leavenworth, Kansas

The Chairman called to the attention of the Committee HB 2546, which concerns the office of secretary of corrections.

The first conferee was Colonel Allen Rush, of Governor's Staff, who appeared in behalf of HB 2546 at the direction of the Governor. Colonel Rush said the Governor feels the restriction of this bill serves no useful purpose. A packet providing Colonel Rush's statement is attached. (Statement #1)

The first opponent to testify was Mr. Joseph A. Ruskowitz, Director, Wyandotte County Corrections Department. He urged the Committee to maintain the minimum requirements and look toward the expertise within the system to provide stability to overcome the complex corrections issues. (Attachment #2)

Another opponent to the bill was Mr. Gary D. Reynolds, of Leavenworth, a concerned citizen and voter. Mr. Reynolds said if HB 2546 were to pass, it could compound problems within the Department of Corrections in a very short time. He has 15 years of experience in law enforcement. Mr. Reynolds' statement is attached. (Attachment #3)

Mr. Leonard F. Garrett, of the Leavenworth area, also appeared as an opponent. He has 4 years experience in corrections and has seen some of the problems present in the administration of corrections. His statement is attached. (Attachment #4)

The Chairman thanked all conferees for appearing, and for answering questions from the Committee.

Also attached is a copy of a Memorandum from Legislative Research concerning HB 2546, dated April 2, 1987. It was handed out for the Committee and concerns information about qualifications for Secretary of Corrections in other states. (Attachment #5)

Copies of editorials from The Topeka Capital-Journal and the Leavenworth Times in opposition to passage of HB 2546 (Attachments #6 and #7) were before the Committee.

The meeting was adjourned at noon.

4/2/86
Attachment #1

HB 2546

SENATE STATE AND FEDERAL AFFAIRS

HB 2546 removes the five years of experience required of the Secretary of Corrections.

1. No other Secretary appointed by the Governor has a job qualification.

2. If a job qualification is necessary at all, the one in this bill is woefully incomplete.

3. Experience is a vague term.

- (a) One year of experience-- 5 times.
- (b) Corrections. A five man jail qualification.
- (c) Education. Curriculum and the variation in same.
- (d) Could have 10 years experience in 5 institutions or fired from all.

4. Acting Secretary - Governor could appoint a person without either education or experience and leave them there 8 years.

(a) This option would not even require Senate confirmation.

The Secretary of Corrections must be an administrator not a warden. Some of our best Secretaries have been people whose qualifications have been questionable...(Mike Barbara?)

(Read "Facilities and Personnel, Capitol Punishment" - Sociologist, psychologist, warden, CPA, teachers, conversation with legislators)

The parole procedure is under the Secretary of Corrections and if not performed properly can endanger the public (Yorkey Smith). Yet a Secretary of Corrections by law need know nothing on parole. The whole field of Corrections at this time is experiencing much needed change.

Example: Georgia's "Boot Camp Concept" working well. Other concepts...a flat experience requirement could deny the Governor access to talent that would make new concepts available to him and the people of Kansas.

Attachment #1
FSA 4/2/87

We already have honor camps - work release, etc., more are coming down the pike.

Corrections' problems in Kansas are probably our biggest problem today. Continuing trying to solve the problem with old solutions that don't work well only cause the problem to get bigger.

Are there safeguards in place to insure quality in a Secretary of Corrections? Most important Governor's appointments are subject to Senate approval.

Governor Hayden has supported that procedure and has worked and voted for that important concept.

The procedure fully eliminates the quality of the candidate, usually with media reporting and sets in place a forum for advisory participation. Such a hearing can be brutally partisan, but in the final analysis furnishes the people of Kansas with safeguards against croneism and all that goes with it.

The criticism of the Governor on this bill centers upon the rankest of speculation on who might be the Secretary of Corrections.

If that is fair and just, then criticism should be originated on who might be the Kansas Highway Patrol Chief or Secretary of Social and Rehabilitation Services.

Has Governor Hayden demonstrated irresponsibility in early appointments? If not, why would he begin with one of the most important appointments he will be working. (Read the appointments, the list of applications we have now, etc.)

The last and best safeguard:

He will answer to the people for his stewardship of this state...just as any Senator or Representative must answer.

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Allen Rush

I find it appropriate to review the cabinet-level appointments governor Hayden has made to date.

First, Horace Edwards - Bachelor's from Marquette, Master's from Iowa College-- our Governor's Secretary of Transportation:

Since taking over the responsibilities of the Department of Transportation two months ago, Horace has gained the respect of local, state and federal representatives. He joined the Hayden administration after serving 19 years in the management of the Atlantice Ritchfield Company (ARCO), the last six of which he served as Chief Executive Officer of the ARCO Pipeline Company of Independence, Kansas. I think all agree he is uniquely qualified to serve as our Secretary of Transportation.

Second, Governor Hayden has selected a highly qualified administrator to head the newly created Department of Commerce -- Harland Priddle (Bachelor's - K-State) brought to the administration experience in agriculture, banking and business

for this important new agency. We all know Harland and have seen first-hand his skills at running the Kansas Board of Agriculture. Again, it's agreed he is uniquely qualified to head the Department of Commerce.

Next, Dennis Taylor, Law degree - Drake, Master's - K.U. Appointed by the governor to head the Kansas Department of Human Resources. I quote the Topeka Capital-Journal, February 27th: "He has a reputation for being both straightforward and open in all his dealings. Those qualities are valuable, but all-too-often lacking, in public servants."

Mr. Taylor is known as a professional manager who will make the agency work in behalf of Kansas workers and the Kansas economy. Also appointed by the Governor to serve on his cabinet is Dr. Ed Flentje: Bachelor's - Emporia State, Master's - George Washington University and Doctorate from the University of Kansas. Dr. Flentje brings a wealth of knowledge and experience to the Governor's cabinet. Flentje was director of the Division of State Planning and Research in the administration of Governor Bennett. He is a professor of public administration in the Hugo Wall Center for Urban Studies at Wichita State University, a post he assumed in 1979, and is currently on leave from that position.

In addition to these cabinet-level appointments, Governor Hayden has appointed a number of well-qualified individuals to serve on the Kansas Board of Regents, the Kansas Corporation Commission and to head Kansas, Inc. In short, the governor's track record on appointments has been impressive.

I have served under every governor since Gov. Schepple and none have been more vigilant in the quest for excellence in cabinet level appointments.

The governor knows as a politician that making his cabinet appointments is the most important thing he will do.

SECRETARY OF CORRECTIONS

Facilities and Personnel

Lansing - Women's Prison

Reformatory - Hutchinson

Kansas Vo. Training Center - Topeka

Topeka Work Release

Pre release Center

Wichita Work release center

Hutchinson release Center

Pre Release Center, Winfield

Honor Camps, Tornito, Edwards, 5 DRs Beds

1,600 People to supervise

FY 86 67 M

87 73.6 M

Gov 82.0 M

Parole system

3 Divisions

Parole Personnel - 37 officers

2641 people on parole

72 people per officer

DATE: Wed. 1-14-89

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A new attitude at KDOT

The appointment of retired Independence engineer and business executive Horace B. Edwards as secretary of transportation is good news for Southeast Kansas.

Edwards, 61, retired chief executive officer of Arco Pipeline Co., will take the state cabinet position Feb. 1. He will bring a new perspective and strong management background to the position, held for the last seven years by John Kemp.

We welcome the change from Kemp to Edwards at the helm of the agency that directs highway construction and maintenance in the state.

The prospect of getting a superhighway in Southeast Kansas was certainly enhanced by the appointment of Edwards and by comments Gov. Mike Hayden made during the announcement Monday.

Hayden said he had advised Edwards "that I expect more from the department than maintenance of the status quo." Later in the news conference, Hayden said Edwards would give "leadership in charting our course on these initiatives in new

highway construction, in highway finance"

After months on the campaign trail, Hayden is keenly aware of the interest in new highway construction. As a veteran legislator, he also knows the difficulty in putting together a highway financing package with enough political advantages to clear both the House and Senate.

Kemp made no secret of his pessimism about the proposed Southeast Kansas superhighway, linking Wichita with Joplin. He made it clear that he thought such an idea was impractical, too costly and a low priority when compared with other uses for state highway funds.

Edwards will at least view the options with an open mind and with first-hand knowledge of the transportation problems of this region.

Although the major battles in behalf of a new highway will be fought in the Legislature, the change of leadership and change of attitude at the Kansas Department of Transportation is encouraging.

4/2/87
Attachment #2

Testimony to Federal & State Affairs Committee
April 2, 1987

by
Joseph A. Ruskowitz, Director
Wyandotte County Corrections Department
913-321-1666

I have been a part of the state system of corrections from 1971 to 1985. During this 14 year time span, I have worked with six different correction agency heads. The average tenure for this office has been about 2-1/2 years...A systems stability is dependent upon leadership...Past efforts to achieve stability have miserably failed. If we let this trend continue, the outlook for the future of correction is dismal and the potential for a catastrophe of alarming proportion increases significantly.

The primary requirement of the existing statute states that no person shall be eligible for the appointment of Secretary of Corrections unless such person has had five years experience in the administration at a federal or state prison or five years of corrections experience...

Maybe our problem in Kansas has been that during the last 17 years the primary prerequisite of having experience as a correction administrator has been ignored... Of the last six correction heads, only one had work experience in a state or federal prison...and prior to becoming head of corrections, none of the six had experience in the Kansas State Correction System.

Instead of looking again for someone from outside the system for fresh ideas, perhaps we should begin to look within the state system for experience and leadership stability. Someone who is aware of the problems, someone who knows the system, someone who has the capabilities to facilitate a systematic approach to overcome the initial problems confronting the correction system today as well as in the future...There is no need to eliminate the professional qualifications from the statute. History has demonstrated the statute has minimal limitations or obstructions in hiring a person with little or no experience.

I urge you to maintain the minimum requirements and look toward the expertise you have within your system to gain the leadership needed to provide stability to overcome the complex corrections issues we face today.

Attachment #2
FSA 4/2/87

4/2/87
Attachment #3

April 2, 1987

Gary D. Reynolds
419 Chestnut
Leavenworth, Ks. 66048

Good morning ladies and gentlemen. I come before you today as a voter and a concerned citizen of our state.

It's my purpose to shed some light on House Bill 2546. I have 15 years of experience in Law Enforcement, 13 of those on the street, with two years in corrections/dentention.

If the House Bill 2546 passes the Senate, it could compound problems within the Department of Corrections in a very short time.

I ask you , "Would you go see a doctor who has a degree in Business, or would you take your car to a mechanic who has never owned a car?" These may not seem fair to this committee.

But you must consider the fact that if this bill passes, a person without experience could be placed in charge. How will he or she get the experience it takes? He or she will learn from their mistakes? And those mistakes will most likely cost lives! Either loss of inmate or correctional officer. Would you explain to my two-and-one-half-year-old son that his Daddy wont' be home any more? Also who will be held liable, not only financially, but morally?

Anyone can stand up here and complain. This issue not only tran-sends party lines, but state lines. Let me suggest a possible answer. Keep this Statute as it is, and search the nation for the best qual-ified person for the job! Let's all work to make this the best state and the safest.

Attachment #3
FSA 4/2/87

I am here as a concerned voting citizen in Kansas at KSP, Maximum Security.

I have over 4 years experience in corrections and have seen some of the problems in the administration of corrections.

If HB 2546 is signed into effect, it could do nothing but compound the problems.

This means that the Secretary of Corrections would have to meet less stringent requirements than an entry level correctional officer.

I believe the requirements should stay the same, if not increased, to include a tenure as a correctional officer in a security environment.

Respectfully,



LEONARD F. GARRETT

OIC B. CH 2:00-10:00 p.m.

4/2/86
Attachment #3

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

ROOM 545-N -- STATEHOUSE

Phone 296-3181

April 2, 1987

TO: Senator Edward Reilly

Office No. 255-E

RE: H.B. 2546

In response to your request for information about qualifications for Secretary of Corrections that other states have in statute, I contacted the NCSL. They did not have any information about that issue.

I have obtained a copy of the relevant section of the Manual of Standards for the Administration of Correctional Agencies published by the Commission on Accreditation for Corrections of the American Correctional Association. In that publication, the standard for selection of the corrections agency administrator is as follows:

119 The educational, operational, and administrative qualifications of agency administrator are specified in writing by the appointing authority and include: a baccalaureate degree in one of the social or behavioral sciences or related field; five years of related administrative experience; and demonstrated administrative ability and leadership. (Important)

DISCUSSION: To ensure that only qualified persons are recruited and apply for the position of chief executive officer, the appointing authority should establish high qualifications, and recruit and hire on the basis of these qualifications.

The recommended standard is higher than the qualifications that are currently established in the Kansas law. Those qualifications are:

...five years experience as an executive officer in the administration of federal or state penal or correctional institutions or five years experience in the field of corrections, except that: (1) Three years of such experience may be waived for an appointee having a degree from an accredited college or university, which degree is based on penology or a related field as a major field of study; or (2) if the governor is unable to appoint a person as secretary who possesses such qualifications, the governor may appoint a person without such qualifications as acting secretary, who shall serve at the pleasure of the governor. (K.S.A. 75-5203)

Acting Secretary OK

Attachment #5
FSA 4/2/87

In the absence of any readily available information about qualifications in all of the other states, I have looked at the statutes of some neighboring states. The relevant language from the statutes follows:

Iowa

The director shall be qualified in reformatory and prison management, knowledgeable in community-based corrections, and shall possess administrative ability. The director shall also have experience in the field of criminology and discipline and in the supervision of inmates in corrective penal institutions. . . . (Emphasis added)

Nebraska

The Director of Correctional Services shall be qualified for his position by appropriate training and experience in corrections and such director shall have a minimum of ten years of correctional administrative work. (Emphasis added)

Oklahoma

The Director shall be qualified for such position by character, personality, ability, education, training, and successful administrative experience in the correctional field; and he shall have earned a master's degree from an accredited college or university with a major field of study in at least one of the following: Corrections, criminal justice, police science, criminology, psychology, sociology, administration, education, or a related social science, and five (5) years' work experience in corrections, or a bachelor's degree in the degree areas above specified and six (6) years' progressively responsible work experience in corrections. (Emphasis added)

Missouri

The director shall be a person of recognized character and integrity, and have such education, training, proven executive ability, and experience as will fit him for the successful performance of his official duties. He shall have education, training and experience in penology and correctional management. . . . (Emphasis added)

The Colorado statute does not include any reference to the qualifications of the Executive Director of the Department of Corrections.

As you can see from the excerpts above, all but one of our neighboring states include some kind of qualifications for the position in statute. The most stringent qualifications are in Oklahoma and the least detailed are

in the Missouri statute. You will note that Oklahoma's qualifications exceed standard of the American Correctional Association and none of the other states meet the standard. The amendment to current law proposed H.B. 2546 would put Kansas in the same position as Colorado by not having any reference to qualifications in the law.

MG/bd

Editorials

*In God We Trust**Qualifications are necessary*

Wanted: Kansas secretary of corrections. Qualifications: none.

To be more accurate, make that no professional qualifications. Substitute instead being a crony of the governor.

Gov. Mike Hayden has moved half-way toward his goal of eliminating the statutory requirements for the secretary of corrections. With two votes to spare, the Kansas House approved his request Monday.

The Senate should use more sense.

The secretary of corrections is the only major cabinet post with qualifications spelled out by law — for good reason.

Of all the cabinet posts, it is the one that requires the most specialized knowledge. Few, if any, people outside the corrections realm understand the workings of the penal system.

Kansas is in the midst of a major overcrowding problem in its prisons. That creates a highly volatile situation among the prison population. The state also may be on the verge of passing a death penalty. The circumstances de-

mand that the person in charge be a professional who knows what he is doing.

Solid business or political backgrounds may transfer well to other executive cabinet positions. But the secretary of corrections is more than a business administrator. He must deal with special human concerns as well. Only someone trained in that area can know the best approach for dealing with the many problems he will face.

The fact that some of the strongest opposition to Hayden's proposal came from legislators whose districts include penal facilities illustrates the need for concern. Those legislators are well aware of the potential for danger with a novice in charge.

Even as the law now reads, the secretary of corrections must have only five years of experience in the prison field or two years of experience plus a college degree in penology or a related field. That is hardly a stringent requisite.

Still, it would be a major mistake to remove even those minimal requirements.

Attachment #6
FSA 4/2/87

4/2/87
Attachment #6

4/2/86
Attachment #7

DATE:

Wed. 3-25-87

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Editorial/Opinion

Bad move for prisons

The Kansas House passed a bill Monday which could spell disaster for the Kansas prison system. The House voted 65-57 to relax the standards for the secretary of corrections, a measure which was requested by Gov. Mike Hayden but strongly opposed by local lawmakers.

The bill, which is headed for the Senate, would remove the current experience and educational requirements for the position. The statute now requires the secretary to hold a degree in penology or a related field, which may be waived by three years of experience. The secretary also is currently required to have five years of experience either in the administration of an institution or in the corrections field.

Reps. Clyde Graeber and Martha Jenkins, R-Leavenworth, both voted against the bill in the House and Sen. Edward F. Reilly Jr., R-

Leavenworth, has vowed to fight it in the upper Chamber.

Both Graeber and Ms. Jenkins have cited the overcrowding in the prison system as the prime reason not to relax the standards now. Ms. Jenkins also mentioned the difficulty in getting funding for prison programs and construction, as another reason for a tense situation at the institutions. The house members, however, apparently chose to listen to Hayden's support for the bill rather than the arguments which Graeber and Ms. Jenkins raised against it.

We hope Reilly is able to convince his fellow senators that passage of the bill would be detrimental to the state corrections system. The current prison situation dictates that whoever is chosen as secretary of corrections must be an experienced person. Relaxing the standards for choosing the secretary would be folly, if not disastrous.

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Attachment #7
FSA 4/2/87